

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Anna Vaysman	Team: Team # 3	CCRB Case #: 200818398	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 12/16/2008 6:20 PM	Location of Incident: St. Nicholas Avenue and Willoughby Avenue; 81st Precinct stationhouse.	Precinct: 83	18 Mo. SOL 6/16/2010	EO SOL 6/16/2010	
Date/Time CV Reported Thu, 12/18/2008 12:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 12/23/2008 11:16 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Scoloveno	20285	931194	GANG BN
2. POM Daniel Buonagurio	29293	931566	GANG BN
3. POM Bilal Ates	30040	934429	GANG BN

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Scoloveno	Abuse: PO Michael Scoloveno stopped § 87(2)(b)	
B.POM Michael Scoloveno	Force: PO Michael Scoloveno used physical force against § 87(2)(b)	
C.POM Michael Scoloveno	Off. Language: PO Michael Scoloveno made comments to § 87(2)(b) based upon race.	
D.POM Bilal Ates	Discourtesy: PO Bilal Ates spoke obscenely to § 87(2)(b)	
E.POM Daniel Buonagurio	Discourtesy: PO Daniel Buonagurio spoke obscenely to § 87(2)(b)	
F.POM Bilal Ates	Force: PO Bilal Ates used physical force against § 87(2)(b)	
G.POM Michael Scoloveno	Abuse: PO Michael Scoloveno strip-searched § 87(2)(b) at the 81st Precinct stationhouse.	
H.POM Bilal Ates	Abuse: PO Bilal Ates threatened § 87(2)(b) with the use of force.	
I.POM Michael Scoloveno	Discourtesy: PO Michael Scoloveno acted rudely toward § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

Synopsis

On December 18, 2008, § 87(2)(b) called the Internal Affairs Bureau (IAB) Command Center to file a complaint on behalf of his son, § 87(2)(b). On December 23, 2008, the complaint was referred to the Civilian Complaint Review Board (CCRB), under IAB log number 08-57708. § 87(2)(b) stated that on December 18, 2008, at approximately 6:30 pm, § 87(2)(b) was walking in the vicinity of St. Nicholas Avenue and Willoughby Avenue in Brooklyn. An officer, identified through investigation as PO Michael Scoloveno of Gang Squad Brooklyn North, allegedly stopped § 87(2)(b) by twisting his left hand behind his back and slamming him against the vehicle (allegation A). PO Scoloveno then handcuffed § 87(2)(b) and placed him into the vehicle. As § 87(2)(b) was getting into the car, PO Scoloveno allegedly slammed the door twice on § 87(2)(b)'s ankle (Allegation B). PO Scoloveno allegedly told § 87(2)(b) "You people think you can run shit" and "I know what you little niggers do around here, carry guns and drugs" (allegation C). Allegedly, PO Scoloveno, PO Bilal Ates and PO Daniel Buonagurio, also from Gang Squad Brooklyn North, told § 87(2)(b) "shut the fuck up" (allegations D and E). Allegedly, PO Ates twisted § 87(2)(b)'s left arm in the backseat of the car, while he was handcuffed (allegation F). § 87(2)(b) was taken to the 81st Precinct, where PO Scoloveno allegedly strip-searched him (allegation G). Allegedly, PO Ates told § 87(2)(b) to stop "bullshitting," or he would go to his house, shoot and arrest his entire family, his girlfriend and his baby would die (allegation H). Allegedly, PO Scoloveno threw § 87(2)(b)'s asthma pump at him (allegation I). § 87(2)(b) was released from the 81st Precinct with a desk appearance ticket. § 87(2)(b) went to § 87(2)(b) on his own, on § 87(2)(b).

(b) § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] § 87(4-b) § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

Summary of Complaint

§ 87(2)(b)

Medical Records – § 87(2)(b) (Encl 12A-M)

§ 87(2)(b) was seen at § 87(2)(b) on § 87(2)(b).
§ 87(2)(b)'s chief complaint was pain in his left hand and arm.

CCRB Statement

§ 87(2)(b) a § 87(2)(b)-old Hispanic male with black hair and brown eyes, who is 5'9" and weighs 240 pounds, was interviewed at the CCRB on January 13, 2009 (Encl 5A-I). His father, § 87(2)(b) filed this complaint with IAB, on his behalf, on December 18, 2008 (Encl 4A-

C). § 87(2)(g)

On December 16, 2008, at approximately 6:20 pm, § 87(2)(b) was walking by himself on St. Nicholas Avenue, between Hart Street and Suydam Street in Brooklyn. He was walking from his girlfriend's house, on Dekalb Avenue, to his mother's house, on Willoughby Avenue, which is about five minutes away. § 87(2)(b) had not stopped anywhere or spoken to anyone for the duration of the walk. § 87(2)(b) was listening to his Ipod and he had his Sidekick cell phone in his hand. He was wearing a red hooded sweatshirt, blue jeans and a baseball hat.

§ 87(2)(b) observed an unmarked navy blue or black car pull-up near him, and someone instructed him to approach the vehicle. § 87(2)(b) continued walking, because he did not know the people in the car. The driver of the car was identified through investigation as PO Daniel Buonagurio. The front-seat passenger, identified through investigation as PO Michael Scoloveno, pulled out his badge, which was hanging around his neck, and said "Yo, come here." § 87(2)(b) approached the car. The officer in the backseat of the car was identified through investigation as PO Bilal Ates. All three officers were in plainclothes.

As soon as § 87(2)(b) approached the vehicle, all three officers immediately exited. PO Scoloveno twisted § 87(2)(b)'s left hand behind his back and slammed § 87(2)(b)'s chest first, against the car. PO Scoloveno then asked § 87(2)(b) where he was coming from and where he was going. § 87(2)(b) told him that he was coming from his pregnant girlfriend's house and going to his mother's house. PO Scoloveno asked if § 87(2)(b) had any drugs or weapons on him, which § 87(2)(b) denied. PO Scoloveno held § 87(2)(b) against the car for about ten minutes, with his left hand twisted behind his back, while PO Ates and PO Buonagurio searched the sidewalk. However, they did not find anything.

PO Scoloveno searched § 87(2)(b) as soon as he pushed him against the car. PO Scoloveno put his hands inside § 87(2)(b)'s front jeans pockets. The only item in § 87(2)(b)'s front pockets was his keys. § 87(2)(b) was not handcuffed. PO Scoloveno then patted down the back pockets of § 87(2)(b)'s jeans, where he had his wallet. About ten minutes later, PO Scoloveno handcuffed § 87(2)(b) against the car. § 87(2)(b) told PO Scoloveno to be careful with his hand because it hurt. § 87(2)(b) was angry and he told PO Scoloveno, "Get off me, that's my hand." PO Scoloveno then removed § 87(2)(b)'s wallet from the back pocket of his jeans. After he was handcuffed, § 87(2)(b) was placed in the car. However, his right leg was still hanging out of the car and PO Scoloveno slammed the car door on his ankle twice.

PO Scoloveno was now the driver of the car; PO Buonagurio was in the passenger's seat and PO Ates was sitting in the back with § 87(2)(b). While in the car, on the way to the 83rd Precinct, PO Scoloveno told § 87(2)(b) "You people think you can run shit," and "I know what you little niggers do around here, carry guns and drugs." PO Ates told § 87(2)(b) "Shut the fuck up before I break both of your arms." § 87(2)(b) told the officers that his § 87(2)(b) is a police officer and PO Scoloveno replied, "I don't give a fuck." All three officers told § 87(2)(b) "Shut the fuck up." § 87(2)(b) stated that he had not done anything and asked the officers to let him go. The officers kept asking § 87(2)(b) where the guns and drugs were. While in the car, PO Ates twisted § 87(2)(b)'s left arm, while he was handcuffed. § 87(2)(b) told him, "Let go son, because it hurts." PO Ates again told him, "Shut the fuck up." PO Scoloveno went the wrong way up a one-way block and was almost hit by a car. PO Scoloveno told the person that had almost hit, "Shut the fuck up," because the person was complaining. PO Scoloveno did not stop the car or interact with the person. It took about ten to fifteen minutes to get to the 81st Precinct.

At the 81st Precinct, § 87(2)(b) was brought before the desk, but he did not say anything to the desk officer. § 87(2)(b) was then brought to a room and strip-searched. There were two cells inside the room and there was a black female in one of the cells, who § 87(2)(b) stated saw him being searched. There was an additional officer there, while he was being strip-searched. The officer was a black male, who was about 5'9" and who weighed between 270 and 300 pounds. § 87(2)(b) stated that the officer was wearing a blue school safety uniform. § 87(2)(b) was told by PO Scoloveno to take off his belt, remove his shoelaces and to pull down his pants. PO Scoloveno asked § 87(2)(b) if he had anything on underneath his jeans, such as a second pair of pants or shorts, which § 87(2)(b) denied. PO Scoloveno then instructed § 87(2)(b) to pull down his jeans. § 87(2)(b) pulled his jeans down to his knees, exposing his underwear. PO Scoloveno checked inside § 87(2)(b)'s sneakers, lifted up § 87(2)(b) shirt and checked his armpits and the back of his knees. PO Scoloveno pulled the waistband of § 87(2)(b)'s boxers towards him and looked inside, without touching his body.

While § 87(2)(b) was in the cell, he asked PO Buonagurio for his name and badge number. PO Buonagurio told him that his first name is David and provided his last name, which started with an M, but he did not provide his badge number. § 87(2)(b) did not recall PO Buonagurio's last name.

§ 87(2)(b) asked PO Scoloveno for his asthma pump while he was in the cell and PO Scoloveno told him that he would give him the pump in two minutes; he then left the holding cell area and PO Buonagurio came back downstairs. § 87(2)(b) asked him for his asthma pump, but PO Buonagurio refused to give it to § 87(2)(b). § 87(2)(b) had to wait three hours for his asthma pump.

After he was fingerprinted, § 87(2)(b) was taken upstairs and interrogated. PO Ates told him to stop "bullshitting," or he would go to § 87(2)(b)'s house, shoot and arrest his entire family, arrest his girlfriend and kill his baby. PO Ates told him that they are allowed to do that. § 87(2)(b) was in the room for about thirty to forty-five minutes. Fifteen minutes before § 87(2)(b) was released from the room; PO Scoloveno threw his asthma pump to § 87(2)(b) towards his face.

§ 87(2)(b) had not been using drugs or alcohol on the day of the incident. § 87(2)(b) stated that he did not have any drugs on his person on the day of the incident. § 87(2)(b) was released with a desk appearance ticket (DAT). He did not know if he had been charged with anything.

Identification of Officers Interviewed

PO Michael Scoloveno was identified as § 87(2)(b)'s arresting officer, based on the arrest paper work he prepared in connection with the arrest § 87(2)(g). PO Ates and PO Buonagurio were identified by name by PO Scoloveno as being present at St. Nicholas Avenue and Willoughby Avenue on December 16, 2008. § 87(2)(g)

Officer Accounts

PO Michael Scoloveno

Criminal Complaint Report (Encl 16A-C)

The complaint report, which was prepared by PO Scoloveno, indicated that on December 16, 2008, at 6:50 pm, § 87(2)(a) 160.50 [REDACTED]
[REDACTED]

CCRB Statement

PO Michael Scoloveno, a Hispanic male with black hair and brown eyes, who is 5'10" and weighs 185 pounds, was interviewed at the CCRB on March 24, 2009 (Encl 7A-B). He is assigned to Gang Squad Brooklyn North. PO Scoloveno's assignment was gang suppression and he worked from 5:00 pm on December 16, 2008 to 1:00 am on December 17, 2008. PO Scoloveno worked with PO Ates and PO Buonagurio. He was in plainclothes and assigned to an unmarked RMP. PO Scoloveno did not have any entries in his memo book regarding the incident.

On December 16, 2008, at approximately 6:20 pm, PO Scoloveno, PO Ates and PO Buonagurio were driving in the vicinity of St. Nicholas Avenue and Willoughby Avenue, in Brooklyn. PO Scoloveno observed an individual, identified through investigation as § 87(2)(b) standing alone on the sidewalk and screaming to someone across the street in a loud manner. § 87(2)(b) was also cursing, but PO Scoloveno did not recall exactly what he was saying. PO Scoloveno stopped the car and exited his vehicle to see what was going on. He made the initial observation of § 87(2)(b) screaming and it was his decision to stop § 87(2)(b). He did not discuss what he had seen with the other officers. PO Buonagurio was the front seat passenger of the vehicle and PO Ates was in the back seat.

As PO Scoloveno approached, with his badge around his neck, he observed § 87(2)(b) throw a zip lock bag full of marijuana to the ground, near his feet. PO Scoloveno asked § 87(2)(b) what was going on, because PO Scoloveno believed that a robbery might occur or a drug sale. PO Scoloveno then handcuffed § 87(2)(b) without the assistance of the other officers. There was no conversation between PO Scoloveno and § 87(2)(b). § 87(2)(b) was not placed against a car while he was being handcuffed. After he was handcuffed, § 87(2)(b) was placed in the backseat of the vehicle. § 87(2)(b) did not resist arrest. § 87(2)(b) was taken to the 83rd Precinct and released with a DAT.

PO Scoloveno did not twist § 87(2)(b)'s left hand and slam him against the car. PO Scoloveno did not see any other officer do that. § 87(2)(b) was placed in handcuffs and then searched. His jacket and pockets were searched; there was no contraband in his pockets. PO Scoloveno did not slam the car door on § 87(2)(b)'s ankle; he did not see any other officer do that. PO Scoloveno did not tell § 87(2)(b) "You people think you can run shit and I know what you little niggers do around here." PO Scoloveno did not hear any other officer say that. PO Scoloveno did not tell § 87(2)(b) "Shut the fuck up before I break both of your arms." PO Scoloveno did not hear any other officer say that. PO Scoloveno did not say "I don't give a fuck," when § 87(2)(b) told him that his § 87(2)(b) is a police officer. § 87(2)(b) did not mention any family that he has on the force. PO Scoloveno did not tell § 87(2)(b) to, "Shut the fuck up." PO Scoloveno did not tell a motorist to, "Shut the fuck up." § 87(2)(b) was not strip-searched. § 87(2)(b) did not ask PO Scoloveno or any other officer for his name or badge number. § 87(2)(b) was placed in a cell at the precinct. § 87(2)(b) did not ask PO Scoloveno or any other officer for his asthma pump. PO Scoloveno did not recall § 87(2)(b) having an asthma pump. PO Scoloveno did not tell § 87(2)(b) to stop "bullshitting," or he would go to his house, shoot and arrest his entire family, arrest his girlfriend and kill his baby. He did not hear any other officer say that. PO Scoloveno did not throw § 87(2)(b)'s pump at his face. PO Scoloveno did not see any other officer do that. § 87(2)(b) did not have any injuries or ask for medical treatment. § 87(2)(b) did not ask to go to the hospital. PO Scoloveno did not recall if § 87(2)(b) was interrogated.

PO Bilal Ates

PO Bilal Ates, a white male with black hair and brown eyes, who is 6'0" and weighs 255 pounds, was interviewed at the CCRB on March 31, 2009 (Encl 9A-B). He is assigned to Gang Squad Brooklyn North. PO Ates's assignment was gang suppression and he worked from 4:25 pm on December 16, 2008 to 1:00 am on December 17, 2008. PO Ates worked with PO Scoloveno and PO Buonagurio. PO Ates was in plainclothes and assigned to an unmarked motor vehicle. PO Ates did not have any entries in his memo book regarding the incident.

The incident occurred on December 16, 2008, at approximately 6:20 pm, in the vicinity of Willoughby Avenue and St. Nicholas Avenue in Brooklyn. PO Ates, PO Scoloveno and PO Buonagurio were doing gang enforcement in the area. PO Ates was in the backseat of the car and PO Scoloveno was driving. They observed a male, identified through investigation as § 87(2)(b) screaming and shouting on the corner. He was standing alone and shouting at someone, but PO Ates did not recall exactly what he was saying or who he was shouting at. They did not suspect § 87(2)(b) of being in a gang. PO Scoloveno stopped the vehicle and approached § 87(2)(b) while PO Ates was still in the process of exiting the vehicle.

PO Scoloveno was a couple of feet in front of PO Ates. PO Ates did not actually observe § 87(2)(b) throw the bag of marijuana on the ground. PO Scoloveno told PO Ates what he had observed. § 87(2)(b) was placed under arrest by PO Scoloveno and taken to the 83rd Precinct. PO Ates recovered the bag of marijuana, about twelve inches away from § 87(2)(b)'s feet.

PO Ates did not twist § 87(2)(b)'s left hand and slam him against the car. As § 87(2)(b) was being placed under arrest, he was being aggressive by shouting and screaming obscenities. PO Ates did not recall what § 87(2)(b) was saying. § 87(2)(b) did not physically resist being handcuffed. § 87(2)(b) was searched incident to his arrest. PO Ates did not recall who conducted the search. PO Ates did not recall what items § 87(2)(b) had on his person. § 87(2)(b) was not frisked before his arrest. § 87(2)(b) was handcuffed on the sidewalk, not placed against a car. As § 87(2)(b) was being placed into the car, the door was not slammed on his ankle. He did not see any other officer slam the door on his ankle. § 87(2)(b) was taken to the 83rd Precinct. PO Ates did not tell § 87(2)(b) "You people think you can run shit, I know what you little niggers do around here; carry guns and drugs." He did not hear any other officer say that. PO Ates did not say, "Shut the fuck up before I break both of your arms." He did not hear any other officer say that. § 87(2)(b) never mentioned having any family members on the force. PO Ates did not say, "I don't give a fuck or to shut the fuck up." He did not hear any other officer say that. PO Ates was in the back seat on the way to the precinct. PO Ates did not twist § 87(2)(b)'s left arm. On the way to the precinct, the officers did not almost hit another motorist and then tell him, "Shut the fuck up." § 87(2)(b) was not strip-searched at the precinct. PO Ates did not recall § 87(2)(b) asking anyone for their names or badge numbers. § 87(2)(b) did not complain of injuries or ask for medical treatment. PO Ates did not recall § 87(2)(b) asking for his asthma pump. PO Ates did not tell § 87(2)(b) to stop "bullshitting" or someone would go to his house, shoot and arrest his entire family, and kill his unborn baby. He did not hear any other officer say that. PO Ates did not throw § 87(2)(b)'s asthma pump at him; he did not see any other officer do that.

§ 87(2)(b) was at the precinct for a few hours. § 87(2)(b) was never taken anywhere to be interrogated; he was taken directly to a holding cell. He was then released with a DAT.

PO Daniel Buonagurio

PO Daniel Buonagurio, a white male who is 5'8" and weighs 175 pounds was interviewed at the CCRB on April 2, 2009 (Encl 11A-B). He is assigned to the Brooklyn North Gang Squad. PO Buonagurio worked from 4:25 pm on December 16, 2008, to 1:00 am on December 17, 2008. His

assignment was gang enforcement. PO Buonogoria worked with PO Scoloveno and PO Ates. PO Buonagurio was in plainclothes and assigned to an unmarked grey Hyundai Sonata. PO Buonagurio did not have any entries in his memo book regarding the incident.

On December 16, 2008, at approximately 6:20 pm, PO Buonagurio, PO Scoloveno and PO Ates, were driving in the vicinity of St. Nicholas Avenue and Willoughby Avenue in Brooklyn. PO Scoloveno was driving the vehicle. PO Buonagurio was in the front passenger seat of the vehicle and PO Ates was in the backseat. PO Scoloveno initially observed § 87(2)(b) standing on the corner and screaming. As all three officers approached § 87(2)(b) PO Buonagurio's intention was to make sure that everything was alright and that no one was hurt. PO Buonagurio stated that they would not have stopped the car if § 87(2)(b) hadn't been screaming. PO Buonagurio did not remember if § 87(2)(b) was by himself or standing with someone. § 87(2)(b) threw marijuana to the ground, but PO Buonagurio did not see him actually throw it. PO Scoloveno told PO Buonagurio what he had observed. PO Scoloveno handcuffed § 87(2)(b) who did not resist or say anything while he was being handcuffed. None of the officers said anything to § 87(2)(b) prior to handcuffing him. PO Scoloveno recovered the bag of marijuana on the ground. § 87(2)(b) was placed in the vehicle and taken to the 83rd Precinct and released with a DAT. PO Scoloveno debriefed § 87(2)(b) at the 83rd Precinct. PO Buonagurio did not know what § 87(2)(b) was questioned about, as he was not present. PO Buonagurio did not know how long § 87(2)(b) was at the precinct.

PO Buonagurio did not twist § 87(2)(b)'s left hand and slam him against the car; no other officer did that. PO Scoloveno conducted a brief search of the area and recovered the marijuana that § 87(2)(b) threw to the ground. § 87(2)(b) was not frisked or searched prior to being handcuffed. § 87(2)(b) was patted down for weapons, before being placed in the vehicle. No officer slammed the door on § 87(2)(b) ankle twice, while he was being placed in the RMP. PO Buonagurio did not recall which officer placed § 87(2)(b) in the car. No officer told § 87(2)(b) "You people think you can run shit and I know what you little niggers do around here, carry guns and drugs." No officer told § 87(2)(b) "Shut the fuck up, before I break both of your arms." PO Buonagurio did not recall § 87(2)(b) mentioning any family on the force. No officer stated, "I don't give a fuck," in response to § 87(2)(b) stating that he had family on the force. No officer told § 87(2)(b) "Shut the fuck up." No officer twisted § 87(2)(b)'s left arm, while on the way to the precinct. On the way to the precinct, PO Scoloveno did not almost hit a motorist and then tell them to "Shut the fuck up." § 87(2)(b) was not strip-searched at the precinct. § 87(2)(b) did not have any injuries and he did not ask for medical treatment. § 87(2)(b) did not ask any officer for their name or badge number. PO Buonagurio did not remember § 87(2)(b) asking for his asthma pump, while he was held in the cell. No officer told § 87(2)(b) "Stop bullshitting or I will go to your house, shoot and arrest your entire family, arrest your girlfriend and kill your unborn baby. PO Buonagurio did not throw § 87(2)(b)'s asthma pump at his face.

Medical Records — § 87(2)(b) (Encl 12A-M)

§ 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b). § 87(2)(b) was treated for pain in his left arm and hand, following his arrest on December 16, 2008. § 87(2)(b) was alert and oriented, upon arrival at the Emergency Room and he was cleared for discharge at § 87(2)(b). § 87(2)(b) left the Emergency Room in stable condition. § 87(2)(b) was discharged and advised to take Tylenol or Motrin. § 87(2)(b) was to have plastic surgery at the hand clinic on § 87(2)(b) for an old fracture of his left hand.

Police Documentation

Roll Call (Encl 17A)

The Brooklyn North Gang Squad roll call indicated that PO Scoloveno, PO Ates and PO Buonagurio, worked from 4:25 pm on December 16, 2008 to 1:00 am on December 17, 2008. Their assignments are not indicated on the roll call.

Command Log (Encl 14A)

The 81st Precinct command log for December 16, 2008, indicates that § 87(2)(b) was arrested by PO Scoloveno on Willoughby Avenue and St. Nicholas Avenue, at 6:45 pm, for § 87(2)(b). § 87(2)(b) was released from the 81st Precinct stationhouse with a desk appearance ticket at 9:20 pm. § 87(2)(b)'s physical condition was apparently normal.

Prisoner Holding Pen Roster (Encl 13A)

The 81st Precinct prisoner holding pen roster for December 16, 2009, indicated that § 87(2)(b) was placed in a holding cell at 7:00 pm and released with a desk appearance ticket at 9:20 pm.

Complainants CCRB History (Encl 3A)

Neither § 87(2)(b) nor § 87(2)(b) has filed any prior CCRB complaints.

Complainant's Criminal Conviction History (Encl 20A-C)

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Subject Officer's CCRB History (Encl 2A-D)

PO Scoloveno has tenure of 7 years with the NYPD and has one substantiated allegation of abuse of authority (vehicle search) in case number 200602010, for which he received instructions. PO Ates has tenure of 5 years with the NYPD and has one substantiated allegation of abuse of authority (premises entered) in case number 200704116, for which he received instructions. PO Buonagurio has tenure of 7 years with the NYPD and has no substantiated CCRB allegations.

Identification of Subject Officers

PO Scoloveno indicated that he was the driver of the RMP and that he approached § 87(2)(b) before PO Ates and PO Buonagurio had fully exited the vehicle. Further, the majority of § 87(2)(b)'s interaction was with PO Scoloveno. § 87(2)(g) § 87(2)(b) indicated that the officer, who had been in the front passenger seat of the vehicle, refused to provide his badge number to him. PO Buonagurio was in the front passenger seat of the vehicle. § 87(2)(g) § 87(2)(b) indicated that PO Ates was built "like a football player." PO Ates is 6'0" tall and weighs 255 pounds, § 87(2)(b)

§ 87(2)(g) § 87(2)(b) stated that PO Ates was in the backseat of the vehicle, sitting next to him. § 87(2)(g)

Undisputed Facts

It is undisputed that on December 18, 2008, at approximately 6:30 pm, § 87(2)(b) was arrested for § 87(2)(b) by PO Scoloveno, at the intersection of St. Nicholas Avenue and Willoughby Avenue in Brooklyn. It is undisputed that § 87(2)(b) was eventually transported to the 81st Precinct and subsequently released with a DAT.

Disputed Facts

§ 87(2)(g)
[REDACTED]

Assessment of Evidence

After PO Ates and PO Buonagurio recovered the bag of marijuana that § 87(2)(b) had thrown to the ground, § 87(2)(b) was handcuffed against the car by PO Scoloveno. As § 87(2)(b) was being placed inside the car, PO Scoloveno allegedly slammed the car door twice on his ankle. PO Scoloveno denied slamming the car door on § 87(2)(b)'s ankle and PO Ates and PO Buonagurio denied seeing him slam the door on § 87(2)(b)'s ankle. § 87(2)(g) § 87(2)(b)'s medical records do not contain any statements about a door being slammed on his ankle and he did not sustain any injuries to his ankle. § 87(2)(g)

§ 87(2)(b) alleged that while in the car, on the way to the 81st Precinct, PO Scoloveno told § 87(2)(b) "You people think you can run shit" and "I know what you little niggers do around here, carry guns and drugs." Immediately after, PO Ates told § 87(2)(b) "Shut the fuck up, before I break both of your arms." § 87(2)(b) told the officers that his § 87(2)(b) is a police officer, to which PO Scoloveno replied, "I don't give a fuck." PO Scoloveno, PO Ates and PO Buonagurio all told § 87(2)(b) to "shut the fuck up." PO Ates, who was sitting in the backseat with § 87(2)(b) allegedly twisted § 87(2)(b)'s left arm, while the latter was handcuffed. PO Scoloveno, PO Ates and PO Buonagurio all denied using profanity over the course of their interaction with § 87(2)(b). PO Ates denied twisting § 87(2)(b)'s left arm while sitting next to him in the vehicle and § 87(2)(b) did not sustain any new injuries to his arm or shoulder. Additionally, none of the discourteous language or offensive language allegations was made during the initial filing of the complaint.

§ 87(2)(b) alleged that PO Scoloveno strip-searched him at the 81st Precinct. There is no entry that corroborates § 87(2)(b)'s allegation that PO Scoloveno conducted a strip-search of his person by instructing § 87(2)(b) to pull down his jeans and looking inside of his underwear. PO Scoloveno denied strip-searching § 87(2)(b). PO Buonagurio and PO Ates were not present during the alleged strip-search. § 87(2)(g)

§ 87(2)(g)

Allegedly, PO Ates told § 87(2)(b) “Stop bullshitting or [he] would go to § 87(2)(b)’s house and shoot and arrest his entire family.” PO Ates also allegedly stated that he would arrest § 87(2)(b)’s girlfriend and that his unborn baby would die. PO Ates denied making these comments and PO Scoloveno, who was also present at the time the comments were allegedly made, denied hearing PO Ates say anything to that effect. § 87(2)(g)

§ 87(2)(b) alleged that PO Scoloveno threw his asthma pump at him. PO Scoloveno denied throwing § 87(2)(b)’s pump at him, and PO Ates denied seeing PO Scoloveno throw § 87(2)(b)’s asthma pump at him. § 87(2)(g)

Allegations not Pleaded

§ 87(2)(g)

Allegation A: PO Michael Scoloveno stopped § 87(2)(b)

PO Scoloveno indicated that he observed § 87(2)(b) standing on the corner, screaming to himself, and he decided to approach in order to investigate what was happening. As PO Scoloveno approached, he observed § 87(2)(b) throw a bag of marijuana to the ground. § 87(2)(g)

PO Ates and PO Buonagorio corroborated PO Scoloveno’s account and they recovered the bag of marijuana that § 87(2)(b) threw to the ground. § 87(2)(g)

Allegation B: PO Michael Scoloveno used physical force against § 87(2)(b)

PO Scoloveno denied using any physical force against § 87(2)(b) and the other two officers present on scene, PO Ates and PO Buonagurio denied seeing PO Scoloveno twist § 87(2)(b)’s arm and hold him against the RMP for ten minutes and slam the car door on his ankle. § 87(2)(b)’s medical records indicate that he complained of pain in his left arm and that he was arrested. § 87(2)(g)

§ 87(2)(b) did not complain of any pain in his ankle. § 87(2)(g)

Allegation C: PO Michael Scoloveno made comments to § 87(2)(b) based on race.

PO Scoloveno allegedly told § 87(2)(b) “You people think you can run shit” and “I know what you little niggers do around here, carry guns and drugs.” PO Scoloveno denied making these statements and PO Ates and PO Buonagurio denied hearing PO Scoloveno say that. § 87(2)(g)

Allegation D: PO Bilal Ates spoke obscenely to § 87(2)(b)

Allegation E: PO Daniel Buonagurio spoke obscenely to § 87(2)(b)

§ 87(2)(b) alleged that the above officers told him, “Shut the fuck up,” while they were en route to the 81st Precinct stationhouse. § 87(2)(g)

Allegation F: PO Bilal Ates used physical force against § 87(2)(b)

Allegedly, PO Ates twisted § 87(2)(b)'s left arm while sitting next to him in the backseat of the police vehicle, on the way to the 81st Precinct stationhouse. § 87(2)(g)

PO Ates denied using any physical force against § 87(2)(b) at any time during the course of the incident. § 87(2)(b)'s medical records do not indicate that he complained of pain to his left arm as a result of it being twisted in the back of a police vehicle. Further, § 87(2)(b) did not sustain any injuries as a result of the alleged contact. PO Scoloveno and PO Buonagurio denied seeing PO Ates twist § 87(2)(b)'s arm in the backseat. § 87(2)(g)

Allegation G: PO Michael Scoloveno strip-searched § 87(2)(b) at the 81st Precinct.

PO Scoloveno denied strip-searching § 87(2)(b) at the 81st Precinct stationhouse. The command log did not have an entry of a strip search in regard to § 87(2)(b)'s arrest. PO Scoloveno denied strip-searching § 87(2)(b). However, § 87(2)(b) was arrested for possession of drugs. § 87(2)(g)

Allegation H: PO Bilal Ates threatened § 87(2)(b) with the use of force.

§ 87(2)(b) alleged that PO Ates told § 87(2)(b) “Stop bullshitting or he would go to his house, shoot and arrest his entire family, his girlfriend, and kill his unborn baby.” PO Ates denied making these statements and PO Scoloveno denied hearing PO Ates say that. § 87(2)(g)

Allegation I: PO Michael Scoloveno acted rudely towards § 87(2)(b)

§ 87(2)(b) indicated that PO Scoloveno threw § 87(2)(b)'s asthma pump at him, towards his face. PO Scoloveno denied throwing § 87(2)(b)'s pump at him, and PO Ates and PO Buonagurio denied seeing PO Scoloveno throw his pump at him. § 87(2)(g)

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

§ 87(4-b) § 87(2)(g) [Redacted]
[Redacted]
[Redacted]
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Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: